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EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,053	Applicant(s) FOLL, UWE	
	Examiner BRENDA PHAM	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6, 8-9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Haumont (US 2003/0027554 A1).

Regarding claim 1, Haumont disclose a method for call charging for a communication connection which is set up between a first communication terminal in a first packet-switched communication network (network 1) and a second communication terminal in a second packet-switched communication network (Network 3), comprising (referring to figure 4):

routing a set-up request message concerning the communication network to an interface node (an interface nodes can be any of SGSN or WAP1 or WAP2 or FW) between the first and the second communication network (between network 1 and network 3), from within the first communication terminal (MS) or from within the second communication terminal (**Referring to FIG. 4, the mobile station MS activates the PDP context by sending message 4-1 (Activate PDP Context Request) to the SGSN. In message 4-1 the mobile station provides information on the TLLI, PDP**

type, request QoS and NSAPI and optionally on the PDP address and access point name APN.”)

forwarding the set-up request message from the interface node to an analysis and control unit **(SCP, see FIG. 4);**

analyzing the set-up request message with respect to its origin and specifying by a rule whether the communication connection concerned which is to be set up will be charged or treated as charge-free **(“In the first preferred embodiment chargeable services are provided via a server WAP1 and services free of charge are provided via a server WAP 2.” At steps 4-5 and 4-8, the SCP analyzes the PDP context to determine whether set up will be charged or tread as charge-free, [0038]);** and

billing correspondingly via a billing computer, wherein the analysis and control unit **(SCP and SMP)** forwards the rule which has been specified to all interface nodes which are involved in the recording of the packets which are to be transported for the communication connection concerned **(In some other embodiment of the invention the SCP may in step 207 send, instead of the name of the second APN, an indication to the SGSN indicating that only services free of charge are allowed. This indication can-be the message itself, i.e. the SGSN receives reply from the SCP that calls are not allowed and the SGSN interprets this to mean the second APN” [0038] and “the SCP monitors the balance in point 3-1 until it reaches the preset minimum value. When the balance reaches the minimum value, the SCP sends an instruction to set the second APN as the second APN as the allowed APN to the HLR in message 3-2. The instruction may contain the name of the**

second APN and/or an indication indicating that only services free of charge are allowed [0043])

Regarding claim 3, Haumont disclose the Internet is used as the first communication network (FIG. 1, network 3).

Regarding claim 4 Haumont discloses a mobile radio communication network working on a packet-oriented basis is used as the second communication (FIG. 1, Network 1).

Regarding claim 5, the communication connection between the first communication terminal and the second communication terminal is set up via the Internet (Internet 3 of FIG. 1).

Regarding claim 6, an element of a data packet control system which controls connection set-ups is used as the interface node (SGSN of FIG. 1).

Regarding claim 8 Haumont further discloses a network computer of the mobile radio communication network is used as the billing computer (**“The SGSN can participate in collecting the billing information”[0019])**

Regarding claim 9, Haumont discloses an Internet computer of the Internet is used as the billing computer **(SCP, SMP)**.

Regarding claim 11, all packets for the communication connection are routed via a special interface node **(WAP1 or WAP2)**.

Regarding claim 12, Haumont further discloses wherein after termination of the connection one of the subscribers transmits an end message, and the end message is analyzed by the analysis and control unit, the rule is canceled and the interface nodes are notified (**"The SCP monitors the balance of the account when the PDP context (and the set of service used) allows the prepaid account reaches the limit (step 205) at which services charged from the subscription are no longer allowed, the SCP triggers (step 206) the deactivation of the PDP context in the first preferred embodiment of the invention. This deactivation may comprises a message sent by the WAP server to the mobile station, the message information the user the balance has reached the limit and recommending the user to deposit money in the account."**[0033])

Regarding claim 13, an interface is provided between the analysis and control unit and the billing computer (see FIG. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 2003/0027554 A1).

Regarding claims 7 and 10, as explained in the rejection statement of claim 1 (parent claim). Haumont does not disclose the analysis and control unit are integrated into an interface node. It would have been obvious to those having ordinary skill in the art and is a design choice to implement the analysis and control unit at the interface node.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 2003/0027554 A1) in view of MacLean et al (US 2003/0120499 A1).

Regarding claim 2, Haumont teaches “two different kinds of servers 2 are used in order to restrict access to services free of charge. In the first preferred embodiment chargeable services are provided via a server WAP1 and services free of charge are provided via a server WAP2”.

Haumont does not expressly teach monitoring the packets according to the rule, ignored by the interface node if the communication connection concerned is to be

treated as charge-free and recorded by the interface node for billing purpose if the communication connection is chargeable.

MacLean et al, in the same field of endeavor, teaches monitoring data packets and accumulated data count for different charge rate. MacLean teaches (**"According to this embodiment, by forwarding the volume limit threshold data to the GGSN, an modified data count is accumulated since billable data is monitored and accumulates, whereas free data does not accumulate. This modified data count is then provided from the gateway GPRS support node to the Serving GPRS support node, which then transmits the accumulated data count to the SCP."** See **Abstract**)

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the billing method of MacLean et al in Haumont so that data provided through the internet is available under may different conditions. Some data is free, and other data is provided at different cost and rates as suggest by MacLean in [0003]

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

July 31, 2008

/Brenda Pham/

Primary Examiner, Art Unit 2616